UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.41
27 November 1995

Original: ENGLISH

PROPERTY OF

COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

# Concluding observations of the Committee on the Rights of the Child: Italy

1. The Committee considered the initial report of Italy (CRC/C/8/Add.18) at its 235th to 238th meetings (CRC/C/SR.235-238), held on 31 October and 1 November 1995 and adopted* the following concluding observations:

## A. Introduction

2. The Committee expresses its appreciation to the State party for engaging, through a high-level and multidisciplinary delegation, in an open and fruitful dialogue with the Committee. It welcomes the written information submitted by the delegation of Italy in reply to the questions included in its list of issues (CRC/C.10/WP.2) as well as statistical data provided in the course of the discussion. While noting with satisfaction that such supplementary information enabled the Committee to engage in a constructive dialogue with the State party, the Committee regrets that its guidelines for the preparation of State parties' reports have not been followed by the Government and that a certain number of issues addressed in the written list of issues have been left unanswered.

* At the 259th meeting, held on 17 November 1995.

B. Positive aspects

3. The Committee welcomes the legislative and administrative measures taken by the Government of Italy since the entry into force of the Convention in 1991 to promote and protect the rights of the child. It appreciates that the Convention is self-executing in Italy and as such can be, and in fact has been, applied directly by the Italian courts, and that Italy applies the principle of the primacy of international human rights standards over national legislation in case of conflict of law. The Committee also welcomes the preliminary steps taken in view of the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

4. The Committee welcomes the setting up of various institutions and mechanisms for the protection and monitoring of the rights of the child in Italy, including in particular the Special Committee on Child Issues established within the Parliament; the Department of the Family and Social Affairs created within the Prime Minister's Office; the National Centre for the Protection of Children, entrusted with the collection of data concerning children; and the National Observatory for the Problems of Minors, which analyses data collected by the National Centre and prepares annual reports for the Parliament.

5. The Committee notes with satisfaction the progress achieved in the field of child health and welfare, including in particular the noticeable decrease in peri-natal mortality.

C. Principal subjects of concern

6. The Committee is concerned at the lack of an overall integrated mechanism to monitor the activities designed to promote and protect the rights of the child. It stresses that coordination between the various governmental entities involved, as well as between national, regional and municipal levels, is insufficient and that there is a need for a comprehensive network for the collection of data covering all areas of the Convention and taking into account all groups of children within Italy, which is essential for the implementation of targeted programmes on the rights of the child and the evaluation of the effectiveness of legislative and administrative measures.

7. The Committee is concerned about the insufficient measures taken to ensure that the principles and provisions of the Convention are widely known to children and adults alike and to provide adequate training on the principles and provisions of the Convention to the various professional groups involved with children.

8. As regards the implementation of article 4 of the Convention, the Committee is concerned about the inadequacy of measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources. It appears to the Committee that insufficient expenditure is allocated to the social sector both within the State party and within the context of international development assistance. The Committee is also concerned over the lag in the civil participation of citizens in issues relating to children.

9. The Committee is also concerned that the basic principles of the Convention, namely the provisions of its articles 2, 3 and 12, have not always been adequately reflected in national legislation and policy-making.

10. The Committee is also concerned about persisting and significant economic and social disparities between the northern and southern parts of the country, which bear a negative impact on the situation of children.

11. With regard to article 2 of the Convention relating to non-discrimination, the Committee is concerned that sufficient measures have not been taken to assess and provide for the needs of children from vulnerable and disadvantaged groups, such as children from poor families and from single-parent households, children of foreign and Roma origin and children born out of wedlock. The Committee is concerned that children belonging to these disadvantaged groups seem more likely to be stigmatized in public perception, to drop out of school, to be employed in clandestine work or even in illegal activities, including being instrumentalized in organized criminal activities.

12. The Committee is preoccupied by the existence of child abuse, including physical and sexual abuse and violence within the family, and the insufficient protection afforded by the Penal Code in this regard, as well as the lack of adequate measures for the psycho-social recovery of child victims of such abuses.

## D. Suggestions and recommendations

13. The Committee recommends that a national permanent mechanism be developed for the purpose of coordinating and monitoring the implementation of the Convention including between governmental departments and between central, regional and municipal authorities. It is also suggested that the Government consider ensuring closer and more active cooperation with non-governmental organizations working for the rights of the child. Such measures could contribute to promoting an ongoing dialogue with the civil society and public scrutiny of governmental action in the field of the promotion and protection of children's rights.

14. The Committee recommends the systematic collection of data on children and research on child-related issues, including changes in the family structure, with a view to ensuring adequate policy-making in the field of children's rights.

15. The Committee wishes to encourage the State party to further develop a systematic approach to making the principles and provisions of the Convention widely known to children and adults alike, thus increasing public awareness of and civil participation in promoting children's rights. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in the school curricula. Similarly, training about the Convention should be incorporated into the curricula of professionals working with or for children, including teachers, social workers, law enforcement officials, judicial personnel and personnel of the Italian contingents of the United Nations peace-keeping forces.

16. The State party should pursue its efforts with a view to fully reflecting in its legislation and practice the provisions and principles of the Convention, in particular the principles of non-discrimination, the best interests of the child and the right of the child to freely express his or her views. In this regard, the Committee recommends that existing legislation be modified to fully ensure equal treatment between children born in and out of wedlock.

17. Further measures should also be taken to prevent a rise in discriminatory attitudes and prejudices towards particularly vulnerable children such as children living in poverty, children from the southern region, Roma children and foreign children. The Government should consider adopting a more active stand and coherent policy with respect to the treatment of these children and to create an environment favourable to their fullest possible integration into Italian society. Comprehensive measures should be provided for responsible parenthood and for support to needy families, in order to assist them in their child-rearing responsibilities in the light of articles 18 and 27 of the Convention, thus limiting family disruption, reducing the numbers of institutionalized children and limiting the recourse to institutionalization to a measure of last resort.

18. The Committee encourages the Government of Italy to pay particular attention to the full implementation of article 4 of the Convention in the light of the general principles of the Convention, in particular the best interests of the child. The Committee also stresses the need for a judicious distribution of the resources at the central, regional and municipal levels with a view to overcoming persisting economic and social disparities, and to pay particular attention to the most disadvantaged groups in society, including single-parent families.

19. It is also suggested that the State party should use the principles of the Convention as a framework for strengthening international development assistance in order to assess the possibility of giving more emphasis to the social priorities for children.

20. The Committee also suggests that the clear prevention and prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as a ban on corporal punishment within the family, be reflected in the national legislation.

21. The Committee recommends that measures including assistance to disadvantaged families be undertaken to prevent the illegal use of children in the labour force and to prevent juvenile delinquency and the instrumentalization of children in criminal activities. In this connection, it is also suggested that an adequate adjustment of the contents of school curricula so as to incorporate vocational education, in the light of article 28 of the Convention, might contribute to reducing the drop-out rate and prevent the entry of children into the illegal labour market or even their involvement in criminal activities.

22. The Committee recommends that the initial report and written replies submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country, and transmitted to the Parliament for further debate and follow-up. In this regard, the Committee also invites the State party to transmit to it the annual reports that the National Observatory for the Problems of Minors will submit to the Parliament, and would like to suggest that such annual reports, as well as the plan of action with specific targets and time-frame for the next five years, should take into consideration the priority areas identified by the Committee in its consideration of the initial report of Italy, as reflected in the relevant summary records.

---